

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MR. SANDLESS FRANCHISE, LLC

DANIEL J. PRASALOWICZ

Plaintiffs,

v.

MR. DUST FREE

ALLAN MCCLAIN

Defendants.

CIVIL ACTION
NO. 1:07-cv-11501-LLS

NOTICE OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE

FILED
U.S. DISTRICT COURT
2008 FEB 14 AM 10:42
S.D. OF N.Y.

To: Defendants

PLEASE TAKE NOTICE that upon the annexed Affidavit of Michael Einbinder, the Affidavit of Jeffrey Zucker and the Certificates of Good Standing annexed thereto, the plaintiffs will move this Court before the Honorable Louis L. Stanton at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York for an order, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern District of New York, allowing the admission of Jeffrey Zucker, a member of the firm Fisher Zucker LLC and a member in good standing of the Bar of the Commonwealth of Pennsylvania and the State of New Jersey, as attorney pro hac vice to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against Jeffrey Zucker in any State or Federal court. The Affidavit of Michael Einbinder is annexed as Exhibit A. The Affidavit of Jeffrey Zucker is annexed as Exhibit B.

Signature appears on next page.

641193 \$25 2-14-08 MG

Dated: February 11, 2008
New York, New York

EINBINDER AND DUNN LLP

By: 

Michael Einbinder (ME3930)
104 W. 40th Street, 20th Floor
New York, NY 10018
Tel. No. (212) 391-9500
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Michael Einbinder, certify that I have this day served a true and correct copy of the below described pleading or motion upon defendants at the address listed below:

Pleading or Motion served: Notice of Motion to Admit Counsel Pro Hac Vice and Affidavits of Michael Einbinder and Jeffrey Zucker

Defendants: Allan McClain
Mr. Dust Free
46 Whitman Court
Middletown, NY 10941

Mode of Service: Via first class mail



Michael Einbinder

Date: February_____, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MR. SANDLESS FRANCHISE, LLC

DANIEL J. PRASALOWICZ

Plaintiffs,

v.

MR. DUST FREE

ALLAN MCCLAIN

Defendants.

**CIVIL ACTION
NO. 1:07-cv-11501-LLS**

**AFFIDAVIT OF
MICHAEL EINBINDER
IN SUPPORT OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE**

STATE OF NEW YORK)

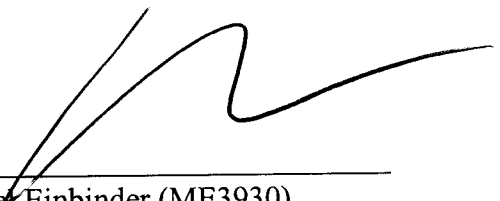
COUNTY OF NEW YORK)

I, Michael Einbinder, being duly sworn, deposes and says:

1. I am an attorney admitted and in good standing to practice before this court and before the courts of the State of New York. I am a member of the firm Einbinder and Dunn, LLP, attorneys for the plaintiffs. I make this affidavit in support of my motion, pursuant to Rule 1.3(c) of the General Rules of the United States District Courts for the Southern District of New York, for an Order allowing the admission of Jeffrey Zucker as attorney pro hac vice to argue or try this case in whole or in part as counsel for plaintiffs.

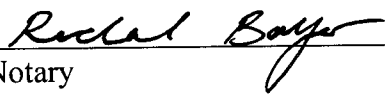
2. Mr. Zucker is a member in good standing of the bars of the Commonwealth of Pennsylvania and the State of New Jersey.

3. There is a particular need for Mr. Zucker to participate in this action that this motion for an Order allowing Mr. Zucker to participate in this case be granted.



Michael Einbinder (ME3930)

Subscribed and sworn to before me
this //th day of February, 2008.



Notary

Richard Bayer
Notary Public, State of New York
No. 02BA6148582
Qualified in Queens County
Commission Expires June 26, 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MR. SANDLESS FRANCHISE, LLC

DANIEL J. PRASALOWICZ

Plaintiffs,

V.

MR. DUST FREE

ALLAN MCCLAIN

Defendants.

**CIVIL ACTION
NO. 1:07-cv-11501-LLS**

AFFIDAVIT OF
JEFFREY ZUCKER
IN SUPPORT OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF PHILADELPHIA)

I, Jeffrey Zucker, being duly sworn, deposes and says:

1. I am an attorney with the law firm of Fisher Zucker LLC, 21 South 21st Street, Philadelphia, Pennsylvania.

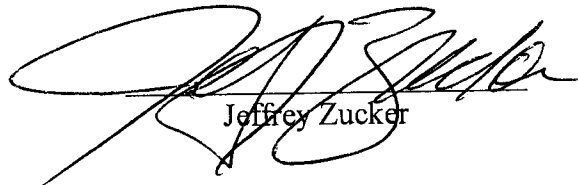
2. I have been instructed by Plaintiffs, Mr. Sandless Franchise, LLC and Daniel J. Prasalowicz, to become actively involved in the representation of the Plaintiffs in the above-entitled action before this court.

3. I am a member in good standing of the bars of the Commonwealth of Pennsylvania and State of New Jersey and have been licensed there since December 21 and December 29, 1993, respectively. Attached hereto and incorporated herewith are certificates of good standing issued within the last 30 days from the Supreme Courts of Pennsylvania and New Jersey.

4. There are no disciplinary proceedings pending against me in any court or

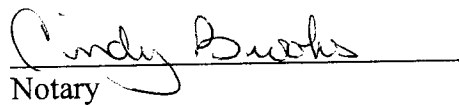
jurisdiction.

5. I have reviewed the Local Civil Rules of the United States District Court for the Southern District of New York and the individual practice rules of the Honorable Louis L. Stanton, and undertake to abide by them.

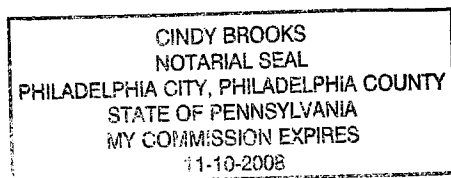


Jeffrey Zucker

Subscribed and sworn to before
me this 12 day of February, 2008.



Notary





Supreme Court of Pennsylvania

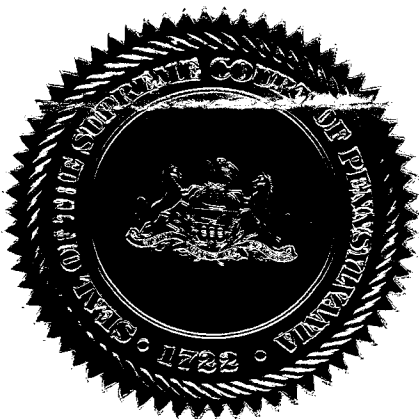
CERTIFICATE OF GOOD STANDING

Jeffrey Alan Zucker, Esq.

DATE OF ADMISSION

December 29, 1993

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: January 16, 2008

Patricia A. Johnson

Patricia A. Johnson
Chief Clerk

Supreme Court of New Jersey

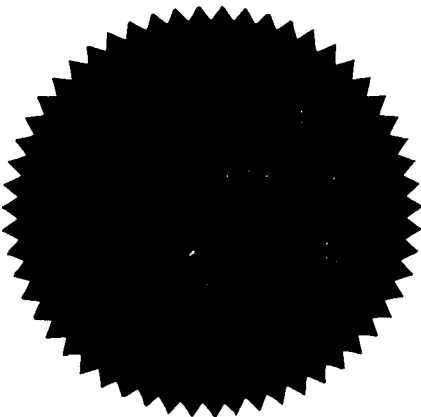


Certificate of Good Standing

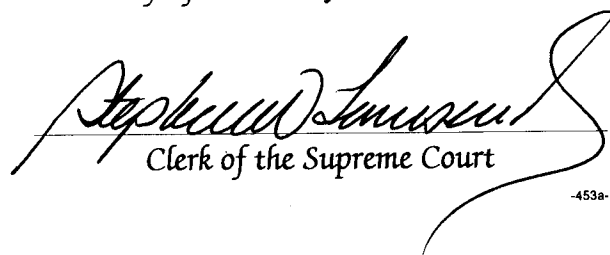
This is to certify that **JEFFREY A ZUCKER**
(No. **021171993**) was constituted and appointed an Attorney at Law of New
Jersey on **December 21, 1993** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
18TH day of January , 20 08


Clerk of the Supreme Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MR. SANDLESS FRANCHISE, LLC	:	
	:	
DANIEL J. PRASALOWICZ	:	CIVIL ACTION
	:	NO. 1:07-cv-11501-LLS
Plaintiffs,	:	
	:	
v.	:	<u>ADMISSION TO</u>
	:	<u>PRACTICE</u>
MR. DUST FREE	:	<u>PRO HAC VICE</u>
	:	
ALLAN MCCLAIN	:	
	:	
Defendants.	:	
	:	

The motion for admission to practice pro hac vice in the above captioned matter is granted. The admitted attorney, Jeffrey Zucker, is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted pro hac vice is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission pro hac vice for the above listed case will be made on the roll of attorneys.

The attorney admitted pro hac vice must serve a copy of this Order on all other counsel in this case.

Dated: _____

LOUIS L. STANTON
UNITED STATES DISTRICT JUDGE

cc: Pro Hac Vice Attorney
Court File